

### **Status of MARAD Ship Scrapping Efforts**

October 6, 2003

- On October 2, 2003, Judge Collyer partially granted a TRO requested by Basel Action Network and the Sierra Club.
- MARAD was enjoined from exporting more than the four vessels specified by Congress as a pilot program. MARAD was directed to perform a supplemental EA specific to the nine vessels remaining subject to the enforcement discretion letter, and the parties were directed to brief and be prepared to discuss why the export is or is not a violation of the TSCA regulations that require an exemption for export of PCBs for disposal.
- On October 3, Environment UK received a letter indicating that Friends of the Earth plans to challenge the Agency's decision to modify Able's Waste Management License to process additional tonnage on the basis that it failed to do the required habitat assessment.
- It appears that, contrary to what EPA was told about the availability of a dry situation for the scrapping, and a provision in the MARAD/Able contract requiring a dry dock, the vessels are likely to be dismantled in open water.
- On October 3, Environment UK wrote to Able UK and stated that they would need a revised scrapping plan if Able does not get the necessary permit to construct a coffer dam, which would enable Able to drain the basin for scrapping.

#### **Exemption 5 - Deliberative Process Privilege**

- A meeting is tentatively scheduled for October 8. MARAD also advised us that they would begin the required assessment this week and that they have been asked up to the Hill to discuss possible legislative fixes to their export problem
- Environment UK told EPA that, on Oct. 6, MARAD requested that Able provide a new Technical Compliance Plan to address this change. However, Environment UK believes that Able is likely to get any necessary permission because of the promised 200 jobs.
- EPA received the Coast Guard notice of towability and a towage manual specific to this project on October 6. It is likely that the vessels will be released today or tomorrow.
- The State Department and EPA's Office of Water were advised last week that the Basel Action Network and Green Peace would be raising the MARAD export on the floor of the London Convention meetings in Geneva this week. FFEO worked with State on preparing talking points on the export issue.